

BEFORE THE  
BOARD OF VOCATIONAL NURSING  
AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation  
Against:

Case No. VN-2011-2633

JOHN L. NGUYEN  
12908 Whitewood Avenue  
Downey, CA 90242

Vocational Nurse License No.  
VN 233052


Respondent.

DECISION

The attached Stipulated Surrender of License and Order is hereby adopted by the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **MAR 08 2013**.

It is so ORDERED **FEB 06 2013**.

  
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California

1 KAMALA D. HARRIS  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 KATHERINE MESSANA  
Deputy Attorney General  
4 State Bar No. 272953  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2554  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*

7  
8 **BEFORE THE**  
**BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2011-2633

11 **JOHN L. NGUYEN**

12 12908 Whitewood Avenue  
13 Downey, CA 90242

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

14 Vocational Nurse License No. VN 233052

15 Respondent.

16  
17 In the interest of a prompt and speedy resolution of this matter, consistent with the public  
18 interest and the responsibility of the Board of Vocational Nursing and Psychiatric Technicians of  
19 the Department of Consumer Affairs the parties hereby agree to the following Stipulated  
20 Surrender of License and Order which will be submitted to the Board for approval and adoption  
21 as the final disposition of the Accusation.

22 **PARTIES**

23 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") is the Executive Officer of  
24 the Board of Vocational Nursing and Psychiatric Technicians. She brought this action solely in  
25 her official capacity and is represented in this matter by Kamala D. Harris, Attorney General of  
26 the State of California, by Katherine Messana, Deputy Attorney General.

27 2. John L. Nguyen ("Respondent") is representing himself in this proceeding and has  
28 chosen not to exercise his right to be represented by counsel.

3. On or about March 14, 2008, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License No. VN 233052 to John L. Nguyen. The Vocational Nurse License was in full force and effect at all times relevant to the charges brought in Accusation No. VN-2011-2633 and will expire on January 31, 2014, unless renewed.

## JURISDICTION

4. Accusation No. VN-2011-2633 was filed before the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on January 8, 2013. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. VN-2011-2633 is attached as **Exhibit A** and incorporated by reference.

## ADVISEMENT AND WAIVERS

5. Respondent has carefully read, and understands the charges and allegations in Accusation No. VN-2011-2633. Respondent also has carefully read, and understands the effects of this Stipulated Surrender of License and Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

## CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. VN-2011-2633, agrees that cause exists for discipline and hereby surrenders his Vocational Nurse License No. VN 233052 for the Board's formal acceptance.

9. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Vocational Nurse License without further process.

## CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Vocational Nursing and Psychiatric Technicians. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Vocational Nursing and Psychiatric Technicians may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Surrender of License and Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. This Stipulated Surrender of License and Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Order:

///

///

///

///

**ORDER**

IT IS HEREBY ORDERED that Vocational Nurse License No. VN 233052, issued to Respondent John L. Nguyen, is surrendered and accepted by the Board of Vocational Nursing and Psychiatric Technicians.

1. The surrender of Respondent's Vocational Nurse License and the acceptance of the surrendered license by the Board shall constitute the imposition of discipline against Respondent. This stipulation constitutes a record of the discipline and shall become a part of Respondent's license history with the Board of Vocational Nursing and Psychiatric Technicians.

2. Respondent shall lose all rights and privileges as a Licensed Vocational Nurse in California as of the effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was issued, his wall certificate on or before the effective date of the Decision and Order.

4. If Respondent ever files an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a petition for reinstatement. Respondent must comply with all the laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed, and all of the charges and allegations contained in Accusation No. VN-2011-2633 shall be deemed to be true, correct and admitted by Respondent when the Board determines whether to grant or deny the petition.

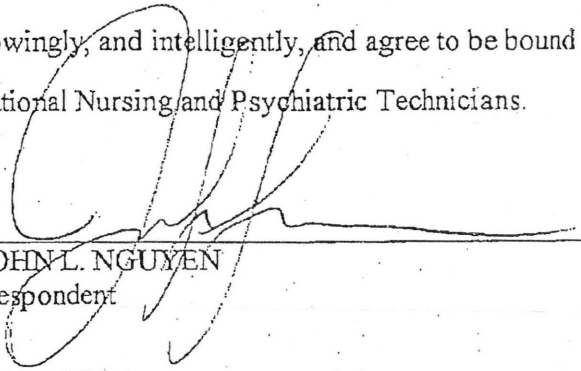
5. Respondent shall pay the agency its costs of investigation and enforcement in the amount of \$770.00 prior to issuance of a new or reinstated license.

6. If Respondent should ever apply or reapply for a new license or certification, or petition for reinstatement of a license, by any other health care licensing agency in the State of California, all of the charges and allegations contained in Accusation, No. VN-2011-2633 shall be deemed to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

7. Respondent shall not apply for licensure or petition for reinstatement for three (3) years from the effective date of the Board of Vocational Nursing and Psychiatric Technicians's Decision and Order.

ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Vocational Nurse License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Vocational Nursing and Psychiatric Technicians.

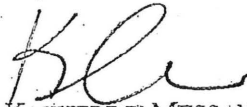
DATED: 1/15/13  
JOHN L. NGUYEN  
RespondentENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Vocational Nursing and Psychiatric Technicians of the Department of Consumer Affairs.

Dated:

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GREGORY J. SALUTE  
Supervising Deputy Attorney General

  
KATHERINE MESSANA  
Deputy Attorney General  
Attorneys for ComplainantLA2012508173  
51224096.doc

**Exhibit A**

**Accusation No. VN-2011-2633**

**FILED**

JAN -8 2013

Board of Vocational Nursing  
and Psychiatric Technicians

KAMALA D. HARRIS  
Attorney General of California  
GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
KATHERINE MESSANA  
Deputy Attorney General  
State Bar No. 272953  
300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
Telephone: (213) 897-2554  
Facsimile: (213) 897-2804  
*Attorneys for Complainant*

BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. VN-2011-2633

**JOHN L. NGUYEN**

12908 Whitewood Avenue  
Downey, CA 90242

**A C C U S A T I O N**

Vocational Nurse License No. VN 233052

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about March 14, 2008, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 233052 to John L. Nguyen ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2014, unless renewed.

**JURISDICTION AND STATUTORY PROVISIONS**

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs, under the authority of the following



1 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
2 indicated.

3 4. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the  
4 holder of a vocational nurse license for any reason provided in Article 3 (commencing with  
5 section 2875) of the Vocational Nursing Practice Act.

6 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,  
7 surrender or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a  
8 disciplinary action during the period within which the license may be renewed, restored, reissued  
9 or reinstated.

10 6. Section 2878 of the Code states, in pertinent part:

11 "The Board may suspend or revoke a license issued under this chapter  
12 [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of  
the following:

13 (a) Unprofessional conduct, which includes, but is not limited to, the  
14 following:

15 ...

16 (d) Violating or attempting to violate, directly or indirectly, or assisting  
in or abetting the violating of, or conspiring to violate any provision or term of this  
17 chapter.

18 ...

19 (f) Conviction of a crime substantially related to the qualifications,  
20 functions, and duties of a licensed vocational nurse, in which event the record of the  
conviction shall be conclusive evidence of the conviction."

21 7. Section 490 of the Code states, in pertinent part:

22 "(a) In addition to any other action that a board is permitted to take  
against a licensee, a board may suspend or revoke a license on the ground that the  
23 licensee has been convicted of a crime, if the crime is substantially related to the  
qualifications, functions, or duties of the business or profession for which the license  
24 was issued.

25 (b) Notwithstanding any other provision of law, a board may exercise any  
authority to discipline a licensee for conviction of a crime that is independent of the  
26 authority granted under subdivision (a) only if the crime is substantially related to the  
qualifications, functions, or duties of the business or profession for which the  
27 licensee's license was issued.

28 (c) A conviction within the meaning of this section means a plea or  
verdict of guilty or a conviction following a plea of nolo contendere. Any action that

1 a board is permitted to take following the establishment of a conviction may be taken  
2 when the time for appeal has elapsed, or the judgment of conviction has been  
3 affirmed on appeal, or when an order granting probation is made suspending the  
4 imposition of sentence, irrespective of a subsequent order under the provisions of  
5 Section 1203.4 of the Penal Code."

6  
7 8. Section 2878.5 of the Code states, in pertinent part:

8 "In addition to other acts constituting unprofessional conduct within the  
9 meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional  
10 conduct for a person licensed under this chapter to do any of the following:

11 (a) Obtain or possess in violation of law, or prescribe, or except as  
12 directed by a licensed physician and surgeon, dentist or podiatrist administer to  
13 himself or herself or furnish or administer to another, any controlled substance as  
14 defined in Division 10 of the Health and Safety Code, or any dangerous drug as  
15 defined in Section 4022.

16 ...  
17 (c) Be convicted of a criminal offense involving possession of any  
18 narcotic or dangerous drug, or the prescription, consumption, or self-administration of  
19 any of the substances described in subdivisions (a) and (b) of this section, in which  
20 event the record of the conviction is conclusive evidence thereof."

#### 21 REGULATORY PROVISION

22 9. California Code of Regulations, title 16, section 2521, states, in pertinent part:

23 "For the purposes of denial, suspension, or revocation of a license  
24 pursuant to Division 1.5 (commencing with Section 475) of the Business and  
25 Professions Code, a crime or act shall be considered to be substantially related to the  
26 qualifications, functions or duties of a licensed vocational nurse if to a substantial  
27 degree it evidences present or potential unfitness of a licensed vocational nurse to  
28 perform the functions authorized by his license in a manner consistent with the public  
health, safety, or welfare. Such crimes or acts shall include but not be limited to those  
involving the following:

29 ...  
30 (c) Violating or attempting to violate, directly or indirectly, or assisting in  
31 or abetting the violation of, or conspiring to violate any provision or term of Chapter  
32 6.5, Division 2 of the Business and Professions Code.

33 ...  
34 (f) Any crime or act involving the sale, gift, administration, or furnishing  
35 of 'narcotics or dangerous drugs or dangerous devices' as defined in Section 4022 of  
36 the Business and Professions Code."

#### 37 DRUG DEFINITIONS

38 10. Methylenedioxymethamphetamine ("MDMX" or "Ecstasy") is a Schedule I  
Controlled Substance pursuant to Health and Safety Code section 11054 and is a dangerous drug

1 pursuant to section 4022 of the Code.

2 **COST RECOVERY**

3 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licensee found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case, with failure of the licensee to comply subjecting the license to not being  
7 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
8 included in a stipulated settlement.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Conviction of Substantially Related Crime)**

11 12. Respondent is subject to disciplinary action under section 490 and section 2878,  
12 subdivision (f) of the Code, in conjunction with California Code of Regulations, title 16, section  
13 2521 in that Respondent was convicted of a crime substantially related to the qualifications,  
14 functions and duties of a licensed vocational nurse, as follows:

15 13. On or about June 29, 2012, Respondent pled nolo contendere to and was convicted of  
16 one felony count of violating Health and Safety Code section 11379(a) [sell/transportation of a  
17 controlled substance] ("Count 1") and one felony count of violating Health and Safety Code  
18 section 11378 [possession for sale of a controlled substance] ("Count 2") in the criminal  
19 proceeding entitled *The People of the State of California v. John Loc Nguyen* (Super. Ct. of  
20 California, County of Los Angeles, 2011, Case No. VA123123). For Count 1, the court ordered  
21 Respondent to serve 2 years in county jail, suspended the execution of the sentence, ordered  
22 Respondent to serve 1 day in Los Angeles county jail and placed Respondent on formal probation  
23 for a period of 3 years, with terms and conditions. For Count 2, the court ordered Respondent to  
24 serve 16 months in county jail, suspended the execution of the sentence and placed the  
25 Respondent on probation for a period of 3 years, with terms and conditions. The circumstances  
26 underlying the criminal conviction are, as follows:

27 14. On or about December 8, 2011, at approximately 1949 hours, Downey Police  
28 Department Officers ("Officers") conducted a routine traffic stop on a vehicle driven by

Respondent. During a search for Respondent's registration and insurance, Officers located a large quantity of Ecstasy capsules. Specifically, among other things, Officers located four clear plastic baggies that contained 175 grams, 155 grams, 180 grams and 150 grams (total approximate weight of 660 grams) of Ecstasy capsules. At the station, Officers tested the substance from the capsule using a narcotics field test pouch. The substance tested positive for the presence of amphetamines/MDMA.

**SECOND CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

15. Respondent is subject to disciplinary action under section 2878, subdivision (a) of the Code on the grounds of unprofessional conduct in that Respondent possessed approximately 660 grams of Ecstasy capsules. The conduct is described in more particularity in paragraph 14 above, inclusive and hereby incorporated by reference.

**THIRD CAUSE FOR DISCIPLINE**

**(Obtain or Possess Dangerous Drug and Controlled Substance)**

16. Respondent is subject to disciplinary action under section 2878, subdivision (a) of the Code as defined in section 2878.5, subdivision (a) of the Code in that Respondent obtained or possessed Ecstasy capsules, a dangerous drug and controlled substance, in violation of the law. The conduct is described in more particularity in paragraph 14 above, inclusive and hereby incorporated by reference.

**FOURTH CAUSE FOR DISCIPLINE**

**(Conviction of a Crime Involving Possession Dangerous Drugs)**

17. Respondent is subject to disciplinary action under section 2878, subdivision (a) of the Code as defined in section 2878.5, subdivision (c) of the Code in that Respondent was convicted of a criminal offense involving the possession of Ecstasy capsules. The conviction is described in more particularity in paragraph 13 above, inclusive and hereby incorporated by reference.

///

///

///

1 FIFTH CAUSE FOR DISCIPLINE

2 (Violate Provisions of Licensing Chapter)

3 18. Respondent is subject to disciplinary action under section 2878, subdivision (d) of the  
4 Code and California Code of Regulations, title 16, section 2521, subdivision (c) on the grounds of  
5 unprofessional conduct in that Respondent violated provisions of the Vocational Nursing Practice  
6 Act. The violations are described in more particularity in paragraphs 12 through 17 above,  
7 inclusive and hereby incorporated by reference.

8 PRAYER


9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
11 issue a decision:

12 1. Revoking or suspending Vocational Nurse License Number VN 233052, issued to  
13 John L. Nguyen;

14 2. Ordering John L. Nguyen to pay the Board of Vocational Nursing and Psychiatric  
15 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to  
16 Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.  
18  
19

20 DATED: JAN 08 2013

21   
22 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

23  
24  
25 LA2012508173  
26 51195247.doc  
27  
28